7-28-05

PATENT COOPERATION TRE

PCT/FR2003/003656

538,866

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference							
PA1651WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)						
International application No. PCT/FR2003/003656	International filing date (day/month/year) Priority date (day/month/year)						
	10 décembre 2003 (10.12.2003) 17 décembre 2002 (17.12.2002)						
International Patent Classification (IPC) or na G01N 21/64 Applicant	ational classification and IPC						
COMMISSARIAT A L'ENERGIE ATOMIQUE							
 This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 							
2. This REPORT consists of a total of 5 sheets, including this cover sheet.							
This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).							
These annexes consist of a tota							
This report contains indications relating	ng to the following items:						
I Basis of the report							
II Priority	II Priority						
III Non-establishment of	opinion with regard to novelty, inventive step and industrial applicability						
IV Lack of unity of invent							
V Reasoned statement un citations and explanation	V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;						
VI Certain documents cite	ed						
VII Certain defects in the in	international application						
VIII Certain observations on the international application							
Date of submission of the demand							
25 juin 2004 (25.06.2004	Date of completion of this report 11 January 2005 (11.01.2005)						
Name and mailing address of the IPEA/EP	Authorized officer						
Facsimile No.	Telephone No.						

Form PCT/IPEA/409 (cover sheet) (July 1998)

Translation

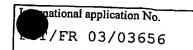
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

ational application No.

PCT/FR2003/003656

I. Basis	of the r	report	
1. With	regard t	to the elements of the international application:*	
		ternational application as originally filed	
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Replace in this and 70.	the	the description, pages the claims, Nos the drawings, sheets/fig ort has been established as if (some of) the amendments had not been made, since they have been considered disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).** the ets which have been furnished to the receiving Office in response to an invitation under Article 14 are as "originally filed" and are not annexed to this report since they do not contain amendments (It is the total annexed to this report).	
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INTERNATIONAL PRAMINATION REPORT



Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;

		ing such statement	er		
1.	Statement				
	Novelty (N)	Claims	2-5, 10-14, 16, 20	YES	
		Claims	1, 6-9, 15, 17-19	— NO	
	Inventive step (IS)	Claims		YES	
		Claims	1-20	NO	
	Industrial applicability (IA)	Claims	1-20	YES	
		Claims		NO	

2. Citations and explanations

Reference is made to the following documents: 1.

D1: DE 102 00 865 A1

D2: US 6,242,114 B1

D3: WO 02/48691 A1

2. Independent claim 1

D1 describes a standard microcomponent for calibrating and standardising fluorescence measuring equipment (see paragraph [0030]) including a nonfluorescent substrate (see paragraph [033]) on which a thin layer of polymer comprising fluorescent components is deposited (see paragraphs [0038] to [0039]); said microcomponent comprises multiple areas having different levels of fluorescence; said levels are adjusted by varying the exposure of the layer (see paragraphs [0046]} to [0047]; claim 8).

According to the characterising part of claim 1 "first and second levels of fluorescence are defined by an unexposed portion and at least one exposed area, respectively, of said thin layer, the second level of fluorescence being lower than the first

level of fluorescence".

These features are also implied in D1: the term "adjusting the level of fluorescence by exposure" includes, as a lower limit, non-exposure. The fact that the level of fluorescence of an exposed area is lower than the level of fluorescence of an unexposed portion is merely the unavoidable result of exposure, regardless of the physical explanation ("bleaching" in the present application, or reticulation in D1).

To conclude, no structural or functional difference exists between the microcomponent described in D1 and the microcomponent according to claim 1.

Consequently, the subject matter of claim 1 does not comply with the criterion of novelty as defined by PCT Article 33(2).

3. Dependent claims

Dependent claims 2 to 20 contain no feature which, when combined with the features of any one of the claims to which they refer, defines subject matter that complies with the PCT requirements of novelty and/or inventive step, for the following reasons:

Claims 2 and 3: D1 (see figure 1 and paragraphs [0046] and [0047]): three areas having layers of differing thickness separated by areas without a layer (openings), thereby providing a total of four different levels of fluorescence; as an alternative, D1 proposes to define different levels of fluorescence by exposing a layer of uniform

thickness.

Claims 4 and 5: D1 (see paragraph [0057]): the level of fluorescence of a non-fluorescent substrate, referred to as the third level, is obviously at least 10 to 100 times less than any first level of fluorescence defined by a fluorescent layer.

Claims 6 to 9: D1 (see paragraphs [0038], [0047] and [0057]).

Claims 10 to 13 and 20: D1 in combination with D2 (see column 4, lines 45 to 65).

Claim 14: D1 in combination with D2 and D3 (see page 6, lines 15 to 27).

Claim 15: D1 (see paragraph [0047]).

Claim 16: D1 (see figure 1).

Claim 17: D1 (see paragraph [0060]).

Claims 18 and 19: D1 (see paragraphs [0033], [0038], [0046] and [0047]).
